

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

| | | |
|--|---|----------------------|
| Lawrence Padtra and Ronald D. Holman, |) | |
| on behalf of themselves and all others |) | |
| similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | No. 96-0324-CV-W-FJG |
| |) | |
| Ledar Transport, Inc., |) | |
| |) | |
| Defendant. |) | |

ORDER

This Court has reviewed plaintiffs' motion for attorneys fees (Doc. #129), defendant's response (Doc. #133), and plaintiffs' reply (Doc. #142). Thereafter, the Court requested plaintiffs resubmit their request in a format which allowed the Court to view plaintiffs' attorneys fees as they related to various stages of the case. Plaintiffs submitted their revised request (Doc. #146), defendant responded thereto (Doc. #150), and plaintiffs replied (Doc. #152).

Having reviewed the aforementioned documents in combination with the "lodestar" method of calculating legal fees, the Court hereby awards plaintiffs attorney's fees and costs in the amount of \$199,104.00. This amount reflects a reasonable fee for a case where liability was established by default and damages were assessed at less than \$2,000.00. Plaintiff requested \$342,233.13 for attorneys fees and costs. Defendant argues the fees should be substantially less. However, plaintiffs argue defendant contributed to much of the additional fees. Plaintiffs allege that defendant chose to fight compliance at each critical stage of this case; this is partially true. However, that does not give plaintiffs license to be excessive in preparing their case of damages. The fee awarded herein reflects a reasonable number of hours spent and the relevant hourly rate in this case. The Court does not quarrel with the hourly rate. Rather, considering the

success achieved and the fact that the only issue before the Court was damages, not liability, the Court takes issue with (1) the time and labor required, and (2) the novelty and/or difficulty of the issues given the skill of plaintiffs' counsel. Upon review of the voluminous submission by plaintiffs of its billing, the Court finds excesses in the following categories: Tab A: Pretrial: 4. Drafting of pleadings; 5. Legal research; 6. Discovery; 7. Preparation for pre-trial; and 8. Teleconferences; Tab C: Post trial: 1. Motions: drafting thereof; and 2. Consultations. Plaintiffs have exceeded reasonable expenses in these categories of their submissions (Doc. #146) and the Court has reduced those requests accordingly.

For the aforesaid reasons, plaintiffs' counsel are hereby awarded \$199,104.00 as attorneys fees and costs.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 30, 2003
Kansas City, Missouri